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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,074	03/11/2004	Rey-Chin Chu	CHUR3002/WKP	4382

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EXAMINER

LITHGOW, THOMAS M

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,074	<b>Applicant(s)</b> CHU, REY-CHIN	
	<b>Examiner</b> Thomas M. Lithgow	<b>Art Unit</b> 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 9, 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 3, 8 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindsay (US 536536). Lindsay '536 discloses a filter with a top portion, wall portion, a drive device H', a filter C, and a spring plate biased scraper E.
3. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazienko (US 1534394). Kazienko '394 discloses a filter with top and wall portions, a drive motor, filter 17 and a spring biased scraper brush 26.
4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Abbott (US 625131). Abbott '131 discloses a filter including a housing with an end portion A, a drive unit f2 a filter D and a spring-biased scraper H.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsay '536 as applied to claim 1 above, and further in view of Kazienko (US 1534394). The use of a drive motor and a hollow connecting element to transfer the energy from the drive to the spring biased scraper is well known as taught by Kazienko '394. To use this equivalent structure for the structure in Lindsay '536 would have been obvious to one of ordinary skill in the art.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsay '536 as applied to claim 1 above, and further in view of Rice (US 776550). Rice discloses the use of a filter stone having the recited diameter along with an outlet as indicated in claim 4. Such an arrangement is well known in the filtration art as shown by Rice '550, it would have been

obvious to one of ordinary skill to modify the Lindsay '536 filter shape to that of Rice '550.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsay '536. Lindsay '536 discloses the use of a flat filter stone C and the bottom surface of his scraper is flat to correspond. If Lindsay's filter were inclined then it would make sense to have an inclined scraper. To so modify the Lindsay '536 scraper would have been obvious to one of ordinary skill in the art.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Lindsay '536 or Kazienko '394 as applied to claim 1 above, and further in view of any one of Feagin '994 or Blackman '663 or Kelley '009. The use of a filter cake receiver below the main filter is well known as taught by the above three patents. Such a cake receiver tank allows temporary storage of waste solids prior to final discharge thereof. To so modify either of the two primary patents above with such a desirable and would have been obvious to one of ordinary skill in the art.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abbott '131 as applied to claim 10 above, and further in view of any one of Feagin '994 or Blackman '663 or Kelley '009. The use of a filter cake

receiver below the main filter is well known as taught by the above three patents. Such a cake receiver tank allows temporary storage of waste solids prior to final discharge thereof. To so modify either of the two primary patents above with such a desirable and would have been obvious to one of ordinary skill in the art.

11.

***Allowable Subject Matter***

12. Claims 3, 6 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M. Lithgow  
Primary Examiner  
Art Unit 1724

Tml